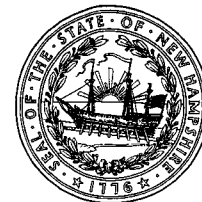




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 25, 2005

Dennis Pavalicek
Blodgett's Landing Sewer District
Town of Newbury
PO Box 162
Newbury, NH 03255

LETTER OF DEFICIENCY #WSEB 05-062
CERTIFIED MAIL #7099 3400 0003 0690 2343

Subject: Newbury – Blodgett's Landing Wastewater Collection and Treatment Facility, Bowles Road
(DES #198906064)

Dear Mr. Pavalicek:

The records of the Department of Environmental Services (DES) show that the subject facility owns and operates a sewer collection system, pump stations, and a wastewater treatment and disposal facility. Pursuant to NH Administrative Rule Env-Ws 1504, the facility operates under conditions set forth in DES Permit # GDP-198906064-N-002. On April 6, 2005, DES received an Incident Report identifying a sewer system overflow at Blodgett's Landing that occurred on April 3-4, 2005. During this incident, an unknown volume of sewage was discharged into Lake Sunapee, a Class "A" water of New Hampshire.

This incident has placed the facility in violation of:

1. RSA 485-A:13 by discharging wastewater to surface waters of the state and United States without obtaining a NPDES permit; and
2. Env-Ws 386.64, *Protection of the Purity of Lake Sunapee and its Watershed*, by discharging wastewater to the lake; and
3. Env 1703.14(c) by discharging wastewater to surface water that contains concentrations of phosphorous and nitrogen that encourage cultural eutrophication in surface water bodies; and
4. Env-Ws 1504.03(e), by operating a facility with a groundwater discharge permit in a manner that resulted in a violation of surface water quality standards.

At the time of the incident, Blodgett's Landing and their consultants had been working on a collection system upgrade feasibility study to address the *Inflow and Infiltration* (I & I) and other problems associated with the collection system. Since this incident, DES has met with the representatives of Blodgett's Landing to discuss environmental and economical solution(s) to these problems.

DES believes future violations can be prevented by taking the following actions:

1. **By June 30, 2005**, submit to DES in writing the actions taken or to be taken to correct the specific condition(s) that caused the April 3-4, 2005, discharge to occur; and
2. **By August 1, 2005**, submit to DES in writing an audit of the sewage treatment plant, facilities, collection system and associated infrastructure to determine if other accidental discharges may occur; and

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3. **By January 1, 2006**, implement the mitigation measures necessary to prevent any additional accidental discharges.

In the event compliance is not achieved within this period, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties

All correspondence and documentation as requested above should be addressed as follows:

Mitchell D. Locker
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Mitchell Locker by e-mail at mlocker@des.state.nh.us, or by phone at (603) 271-2858 if you have any questions regarding this letter.

Sincerely,

COPY

Sarah Pillsbury, P.G., Administrator
Water Supply Engineering Bureau

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cc: Gretchen R. Hamel, DES Legal Unit Administrator
Brandon Kernen, WSEB
George Berlandi, WWEB
Blodgett's Landing Owners Association
File #198908064